

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ROCCO CIOFOLETTI, et al., on behalf of  
themselves and all others similarly  
situated,

Civil No. 0:18-cv-03025 (JNE/ECW)

Plaintiffs,

v.

SECURIAN FINANCIAL GROUP, INC.,  
et al.,

**STIPULATION AND [PROPOSED]  
ORDER TO AMEND PRETRIAL  
SCHEDULING ORDER**

Defendants.

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Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Rule 16.3, the parties, through their undersigned counsel,<sup>1</sup> hereby stipulate to amend the Court's Pretrial Scheduling Order entered on May 9, 2019 [Doc. #72].

There is good cause for an amendment to the Pretrial Scheduling Order for the following reasons:

1. On October 26, 2018, Plaintiff Rocco Ciofoletti started this lawsuit against Defendants Securian Financial Group, Inc., Minnesota Life Insurance Company, Securian Life Insurance Company, and Minnesota Mutual Companies, Inc. (collectively, the "Securian Defendants"). On December 3, 2019, Plaintiffs filed a Second Amended

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<sup>1</sup> Shurwest joins in this stipulation pursuant to the Court's order requiring its filing. [Doc. 126] Shurwest, by joining in this stipulation, is not waiving its objection to the Court's exercise of personal jurisdiction over it.

Complaint that named Shurwest, LLC (“Shurwest”) as a defendant. The Securian Defendants answered the Second Amended Complaint on December 16, 2019.

Shurwest intends to file a motion to dismiss for lack of jurisdiction under Rule 12(b)(2) of the Federal Rules of Civil Procedure and a motion to dismiss for failure to state a claim under Rule 12(b)(6) .

2. The Court directed the parties to confer regarding the schedule in this action [Doc. #126]. The parties did so, and they agree that a schedule should be set for briefing on motions that will determine whether Shurwest should remain a party to this case. They respectfully ask the Court to extend the deadline for submission of a proposed amended scheduling order that would govern the case through trial until after the Court’s determination of Shurwest’s motions to dismiss because whether Shurwest remains a party to the case may have an impact on the extent to which the existing schedule should be altered. They also ask that the Court suspend existing deadlines pending submission of a proposed amended scheduling order.

For the foregoing reasons, the parties’ hereby stipulate that there is good cause to amend the Court’s Pretrial Scheduling Order as follows:

**SHURWEST’S MOTION TO DISMISS**

1. Shurwest shall file its motions to dismiss and supporting documents within 30 days of the date of the Court’s Order approving this Stipulation. The briefing deadlines on that motion will be governed by Local Rule 7.1.

**MEET AND CONFER / SUBMISSION OF PROPOSED SCHEDULING ORDER**

2. Within 10 days following the Court's ruling on Shurwest's motions to dismiss, the parties shall meet and confer regarding the schedule in this action, including the schedule for any remaining briefing on Plaintiffs' class certification motion (Dkt. 84) and file a proposed amended scheduling order. To the extent the parties disagree with respect to the proposed amended scheduling order, they will set forth their positions as to any disagreements in letters filed on CM/ECF contemporaneously with the proposed amended scheduling order

**EXISTING DEADLINES**

3. The remaining deadlines in the Court's Pretrial Scheduling Order entered on May 9, 2019 [Doc. #72] are suspended.

Dated: February 20, 2020

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***Attorneys for Defendants Securian Financial  
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Company, Securian Life Insurance Company  
and Minnesota Mutual Companies, Inc***

**ORDER**

For good cause shown, the Court hereby adopts the parties' Stipulation above.

SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Elizabeth Cowan Wright  
United States Magistrate Judge